



## Disclaimer

The International Bureau for Children's Rights is pleased to share with the visitors of its official website this draft country profile on the status of the CRC implementation. This draft profile is the preliminary result of the ongoing research project that will eventually cover all the States parties to the Convention.

This draft is based on data that IBCR interns were able to collect from various Internet sources. As the information on the Internet is often limited and may contain inaccuracies, this profile is not meant to be complete or absolutely accurate. Still, IBCR has decided to publicize this draft profile for the purpose of awareness-raising and exchanging of information.

In the meantime, IBCR remains open to any comments, corrections and feedback readers may have. IBCR is seeking additional resources to improve this draft country profile and bring it to the expert level. The reports on Cambodia, Indonesia, Sri Lanka, Timor Leste, and Viet Nam are examples of expert level reports and are available on IBCR's official website thanks to the financial contribution of CIDA. The ultimate goal of this endeavour is to bolster international understanding of children's rights, disseminate knowledge about the CRC and assist Governments in its implementation.

## KAZAKHSTAN

### Introduction

Kazakhstan is the second largest Republic of the former Soviet Union with a total population of 15.2 million. Though it benefits from major natural resources in the region, the State continues to deal with serious economic, social and political problems. Many of these problems stem from the independence movement of 1991 in which a transition from a centrally planned to a free market economy took place.

Energy is currently the leading economic sector and the nation is rich in fuel, gas, minerals and metals. Its main industry consists of the extraction and processing of these natural resources and the GDP per capita reached 8800 USD in 2005. Over the past five years the GDP growth rate has been higher than 9% (the second fastest growing economy in the world in real terms) and analysts estimate a 9.3% growth rate for 2005.<sup>1</sup>

Nursultan Nazarbayev, who was re-elected President in 1991, ostensibly advocates democracy. However, the executive controls both legislative and judiciary powers, the President must consent to Constitutional amendments, and no opposition parties are represented in the Lower House of Parliament.<sup>2</sup> With regards to human rights, the US Department of State claims that legislation enacted during the past year does not reflect international standards. However, it appears that the Government has made significant progress in addressing human trafficking.

Kazakhstan has ratified the Convention on the Rights of the Child and its two Optional Protocols. The State submitted its initial report to the Committee on the Rights of the Child and the latter issued its Concluding Observations in June 2003. The Committee noted that Kazakhstan is still dealing with a number of economics and social challenges, high unemployment and growing poverty. The infant mortality rate (IMR) is also high with estimates indicating that as many as 28.3 deaths per thousand live births.<sup>3</sup> One third of the population is less than 18 years of age and therefore, children's rights are essential to the future growth and prosperity of the nation and its people.

### International Conventions and Treaties

- Convention on the Rights of the Child (CRC), ratified: 11 September 1994
- Optional Protocol to the CRC on the Involvement of Children in Armed Conflict, ratified: May 10, 2003
- Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography, ratified: January 18, 2002
- Convention on the Recognition of Qualifications concerning Higher Education in the European Region, ratified: October 7, 1998

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<sup>1</sup> United Nations Economic and Social Commission for Asia and the Pacific, Date Unknown, available on-line at [http://www.unescap.org/stat/data/statind/pdf/t15\\_dec05.pdf](http://www.unescap.org/stat/data/statind/pdf/t15_dec05.pdf) (last accessed 5 June 2006)

<sup>2</sup> "Human Rights in Kazakhstan", Wikipedia, 2006, available on-line at [http://en.wikipedia.org/wiki/Human\\_rights\\_in\\_Kazakhstan](http://en.wikipedia.org/wiki/Human_rights_in_Kazakhstan) (last accessed 1 June 2006)

<sup>3</sup> "The World Factbook- Kazakhstan", CIA, 2006, available on-line at <http://www.cia.gov/cia/publications/factbook/geos/kz.html> (last accessed 1 June 2006)

## Children's Rights

A new Children's Rights Law was enacted in August 2002. This law provides mandatory schooling up to the age of 16.<sup>4</sup> Officially **education** is free both at the elementary and secondary level. However, there are still a number of secondary schools that charge an unofficial entrance fee. This has resulted in low secondary school enrolment rates with only 87% of girls and 90% of boys enrolled. This can be compared to the primary level where it is estimated that 99% of all children attend school.<sup>5</sup> Moreover, according to UNICEF, only 10% of secondary school graduates are able to benefit from higher education.<sup>6</sup> The Committee on the Rights of the Child has expressed concern with the fact that children in remote areas have limited access to education<sup>7</sup> and that many teachers in these schools are not fully trained. The Committee recommends that the State Party improve the quality of the education system. It has also called upon the state to give special attention to children from minority groups including refugee children and children from disadvantaged groups facing discrimination. Despite these recommendations, it is reported that refugee children are often not able to attend school because they are either not registered by the local authorities or they face language barriers.<sup>8</sup>

With regards to **children with disabilities**, there are currently not enough schools or programs to accommodate them, even though the Government passed a law in 1991 which guarantees the social protection of disabled persons. According to official statistics there are 49.8 thousand disabled children below 16.<sup>9</sup> Some improvement might be made in this area given that the Government adopted the Program of Rehabilitation of Disabled Persons for 2002-2005. The Parliament is also considering a new law on the Social Protection Persons. This law would provide special rights to disabled persons, and fellowships for young disabled individuals who want to study at either Universities or technical and vocational schools. Kazakhstan also supports an International Convention on Disability.<sup>10</sup> While these efforts are laudable, disabled children are still frequently abandoned by their families and kept in overcrowded and unsanitary orphanages. According to the US Department of State, the Ombudsman issued a report on the status of persons with disabilities that stated the government failed to meet international standards and to enforce legislation.<sup>11</sup>

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<sup>4</sup> "Country Reports on Human Rights Practices – Kazakhstan", US Department of State, 2003, available on-line at <http://www.state.gov/g/drl/rls/hrrpt/2003/27845.htm> (last accessed 1 June 2006)

<sup>5</sup> "Alternative Report of Non Governmental Organizations of Kazakhstan to the UN Committee on the Rights of the Child", 2002, available on-line at [http://www.crin.org/docs/resources/treaties/crc.33/Kazakhstan\\_ngo\\_report.doc](http://www.crin.org/docs/resources/treaties/crc.33/Kazakhstan_ngo_report.doc) (last accessed 1 June 2006)

<sup>6</sup> "Young People of Kazakhstan: Along the Path to a Health Lifestyle", UNICEF, p. 11

<sup>7</sup> "Concluding Observations, Kazakhstan" Committee on the Rights of the Child, 2003, available on-line at [http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/959054b3ce542e90c1256da4003684f5/\\$FILE/G0342910.doc](http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/959054b3ce542e90c1256da4003684f5/$FILE/G0342910.doc) (last accessed 1 June 2006)

<sup>8</sup> Supra note 5

<sup>9</sup> Ibid

<sup>10</sup> "Disability Rights: the View from Kazakhstan", Zhanat Zakiyeva, Disability World, 2003, available on-line at [http://www.disabilityworld.org/11-12\\_03/gov/kazakhstan.shtml](http://www.disabilityworld.org/11-12_03/gov/kazakhstan.shtml) (last accessed 1 June 2006)

<sup>11</sup> "Country Reports on Human Rights Practices – Kazakhstan", US Department of State, 2005, available on-line at <http://www.state.gov/g/drl/rls/hrrpt/2005/61656.htm> (last accessed 1 June 2006)

During the transition years to a free market-based economy, the health care sector suffered significantly. However, the Government has been working in collaboration with USAID to improve the **health care** system. One notable improvement is that in 2000, no cases of hepatitis were reported among children between the ages of 1 to 6.<sup>12</sup> Moreover, immunization coverage stands at 98% and vaccine independence has been achieved.<sup>13</sup> However, more problematic is that the child mortality rate is higher than it was in 1990 (from 67 to 76 per 1000). This increase might be explained by more frequent occurrences of respiratory infections, diarrhea diseases and a lack of both primary health care centers and prenatal and delivery services.<sup>14</sup>

Kazakhstan has a higher rate of **HIV/AIDS** than any of its four neighboring countries. According to the WHO, 80% of people living with HIV/AIDS are between the ages of 15-29<sup>15</sup> and UNAIDS studies have found that 85% of all new cases involve intravenous drug users. Even though HIV cases are mostly prevalent among intravenous drug users and the rate of HIV is still relatively low for children, UNICEF estimates that as of 2003, 41 children were born to HIV-positive mothers.<sup>16</sup> The spread of HIV can be largely attributed to a lack of preventative education amongst the public. 20% of teenagers believe that aids is transmitted by sharing dishes or spoons, by insects, by kissing or by casual contact, and advocate repressive and punitive actions to contain the epidemic. The stigmatization of people living with AIDS is grave and consequently, many infected people are abandoned by their families and live in isolation.<sup>17</sup> According to the UNAIDS National Response Brief, a five year plan against AIDS, focusing on prevention and epidemiological surveillance, was thrown out in 2001.<sup>18</sup> However, testing is now free and anonymous for everyone.

Each year, 900 to 1,500 minors are incarcerated in Kazakhstan for two years or more. This is why the country has the highest rate of **juvenile incarceration** in Central Asia. This high rate is the consequence of the former system that advocated similar modes of justice for both children and adults. Moreover, the emphasis of the system is still on a correctional, punitive approach rather than on the rehabilitation of young offenders. Police officers are often reported to be violent with child offenders. The latter might be beaten or tortured to obtain confessions. Police officers use the most inhuman and cruel methods: from blackmail and threats to planting drugs on children, or even raping or murdering them. Even though the Kazak law does not recognize the criminal liability of a child below the age of 14 years, the court can take coercive measures like their placement in special institutions that are very similar to correctional institutions.<sup>19</sup> These institutions are considered high-risk areas for transmission of sexual infections, sexual abuses, unwanted pregnancies, and suicides.<sup>20</sup>

In 2002 a pilot project was designed to use the existing structures of Kazakh's justice system in an effort to help prosecutors, judges, lawyers, police and investigators to treat children in

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<sup>12</sup> "USAID: Kazakhstan, Program Data Sheet", USAID, available on-line at <http://www.usaid.gov/pubs/cbj2003/ee/kz/115-0320.html> (last accessed 1 June 2006)

<sup>13</sup> Ibid

<sup>14</sup> "Au Kazakhstan, la nostalgie des réfugiés", *Le monde diplomatique*. Septembre 1997

<sup>15</sup> "Summary Country Profile for HIV/AIDS treatment scale up", WHO Kazakhstan, 2004, available on line at [http://www.who.int/3by5/support/june2005\\_kaz.pdf](http://www.who.int/3by5/support/june2005_kaz.pdf)

<sup>16</sup> "Central Asia", International Federation of Red Cross and Red Crescent Societies, Appeal 2004, available on line at <http://www.ifrc.org/docs/appeals/annual04/018404.pdf#5> (last accessed 1 June 2006)

<sup>17</sup> Supra note 5

<sup>18</sup> Ibid

<sup>19</sup> Supra note 5

<sup>20</sup> Supra note 14

accordance with the standards of the International Convention on the Rights of the Child. This has provided children with the right to counsel and the right to access an attorney specializing in juvenile matters. Lawyers are also now called directly from the scene of the crime, thereby preventing offenders from being held in custody and honoring their right to counsel.<sup>21</sup> Police have also been called upon to practice their method of interrogation and the presence of social workers has helped to facilitate meetings with the police and defendants.<sup>22</sup>

Even though there is no proof of forced child labor, **child labor** exists in agricultural areas. Children who are 16 years old are allowed to work full time if conditions are not physically onerous, and between the ages of 14 and 16 with parental agreement. The law provides harsh punishment for employers accused of exploitation of children under the age of 16.<sup>23</sup> No cases of child labor abuse have been reported.<sup>24</sup> However according to Kazak police records one in three prostitutes are underage. Prostitution is not criminalized in Kazakhstan, but sex with minors is illegal.<sup>25</sup>

**Child abuse** is a serious concern in Kazakhstan. Children face violence in various parts of society including the home, schools, and other social institutions. It is estimated that 60-80% of children are victims of violent actions from parents, adults, police officers and stronger children. The abuse is so severe that victims are often reported to be hospitalized with knife injuries, malnutrition and even nervous breakdowns.<sup>26</sup> Children from families in crisis are more frequently victims of domestic violence. Many leave their homes and eventually end up on the streets where they are easy prey for trafficking, sexual exploitation, forced prostitution and drug use. **Sexual abuse** is also a major problem. According to the Ministry of the Interior, approximately 2000 cases of either rape or attempted rape of girls are registered annually. Only 10% of these actually reach court. One the problems that exacerbates both the physical and sexual abuse of children is that there is currently no effective system of child protection.<sup>27</sup> This situation might be changing however given that the Ministry of Internal Affairs removed 1416 children from abusive homes in 2005. The Government also participated in a regional consultation on violence against children that took place in Slovenia in July 2005.

Kazakhstan is a source and destination country for **child trafficking**.<sup>28</sup> There is a particular problem with the trafficking of children to countries such as the United Arab Emirates, Turkey and Israel. Internal trafficking also occurs from rural to urban areas for the purposes of sexual exploitation and labor exploitation. In an effort to combat trafficking draft anti-trafficking legislation was presented to Parliament and passed by the lower house on 15 May 2003.<sup>29</sup> In addition, the Government is cooperating with NGOs; providing anti-trafficking information in schools;<sup>30</sup> and devising manuals for law enforcement agencies to increase awareness on the

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<sup>21</sup> “Kazakhstan: International Standards on Children’s Rights”, Justice Initiative, November 2004

<sup>22</sup> Ibid

<sup>23</sup> Ibid

<sup>24</sup> Ibid

<sup>25</sup> Institute for war and peace reporting available on-line at [http://www.iwpr.net/index.pl?archive/rca/rca\\_200401\\_257\\_2\\_eng.txt](http://www.iwpr.net/index.pl?archive/rca/rca_200401_257_2_eng.txt) (last accessed 5 June 2006)

<sup>26</sup> Supra note 5

<sup>27</sup> “Kazakhstan: stop violence against children- act now!”, UNICEF, Media Centre, 2005, available on-line at [www.unicef.org/ceecis/media\\_2499.html](http://www.unicef.org/ceecis/media_2499.html) (last accessed 2 June 2006)

<sup>28</sup> Supra note 33

<sup>29</sup> “Trafficking in Persons report, Country narratives: Kazakhstan”, US Department of State, 2003 available on-line at <http://www.state.gov/g/tip/rls/tiprpt/2003/21276.htm> (last accessed 2 June 2006)

<sup>30</sup> “Online Database: Kazakhstan”, ECPAT International, 2003

subject.<sup>31</sup> Diplomats working abroad have also been instructed to provide assistance for victims of trafficking by cooperating with law enforcement officials in their respective nations. This has helped the Government to detect more cases, prosecute traffickers, and even repatriate victims. As a result of such efforts, Kazakhstan was updated to a tier 2 nation in the US Trafficking in Persons Report, which means that even if the country does not fully comply with the minimum standards, the State is making significant efforts.<sup>32</sup>

In 2006, Kazakhstan submitted its first report on the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography.<sup>33</sup> In reviewing this report, the Committee on the Rights of the Child welcomed the Government's adoption of a National Plan of Action on Trafficking in 2004; its follow up plan scheduled for 2006-2008; the establishment of an inter-agency commission to combat trafficking; and the direct application of the Optional protocol over domestic legislation. However, it was concerned with the corruption associated with investigations and prosecutions of trafficking<sup>34</sup> and the stigmatization of children who have contracted HIV/AIDS as a consequence of being victims of trafficking or prostitution.<sup>35</sup> In 2004, out of 27 investigations, 14 cases were prosecuted before the courts and 12 traffickers were convicted. However, only 5 of them are currently in prison as the others received suspended sentences.<sup>36</sup>

Even though armed conflict is not a problem in Kazakhstan, there are still several repercussions arising from the conflicts in neighboring countries. For example, according to Human Rights Watch, **child soldiers** from Kazakhstan are involved in Uzbek Islamist groups. Moreover, under the Law on Universal Military Duty and Military Service, military training can begin as young as 15 and such training might take place in the education system, although there are some plans to amend such practices.<sup>37</sup> Furthermore, in spite of the declaration from officials, there are several reports on the presence of **land mines** on the boarder of Kazakhstan. In November 2002, the government refused to accede to the Ban mine Treaty because of the difficulties to destroy stocks. A newspaper, the *Adil Urmanov*, claims there are between 800,000 to 1,000,000 antipersonnel mines.

With regards to youth participation, there are now some organizations in which child participation is promoted such as the Conflictology Centre, the Club Teenager and the Association for the Protection of Children's Rights.<sup>38</sup>

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<sup>31</sup> Supra note 2

<sup>32</sup> Ibid

<sup>33</sup> "Concluding Observations: Kazakhstan", Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography, UN Committee on the Rights of the Child, January 27, 2006, available on-line at [http://www.bayefsky.com/.pdf/kazakhstan\\_t4\\_crc\\_opt\\_sc\\_41.pdf](http://www.bayefsky.com/.pdf/kazakhstan_t4_crc_opt_sc_41.pdf) (last accessed 2 June 2006)

<sup>34</sup> Ibid

<sup>35</sup> Ibid

<sup>36</sup> "Trafficking in persons report" (extract), US Department of State, 2005, available on-line at <http://gvnet.com/humantrafficking/Kazakhstan-2.htm> (last accessed 2 June 2006)

<sup>37</sup> "Child soldiers global report 2001", Human Rights Watch, available on-line at [http://www.child-soldiers.org/document\\_get.php?id=909](http://www.child-soldiers.org/document_get.php?id=909) (last accessed 2 June 2006)

<sup>38</sup> Supra note 2